

(2021) 03 KL CK 0367

In the High Court Of Kerala

Case No : Criminal Miscellaneous No. 1317 Of 2021

Shameer And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 30-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 406, 498(A)

Citation : (2021) 03 KL CK 0367

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : P.K. Nijoy, C. Prabitha, Rejoice B. Chembakasseril

Final Decision : Allowed

Judgement

1. Petition under Section 482 of the Code of Criminal Procedure.
2. The petitioners are the accused in Crime No. 684 of 2020 of Perithalmanna Police Station registered for the offence punishable under Section 498A, 406 and 34 of Indian Penal Code, now pending as C.C. No. 387 of 2020 on the file of the Judicial First Class Magistrate-I, Perithalmanna.
3. Heard both sides and perused the records.
4. It is submitted by the learned counsel for the petitioners that the parties have resolved the entire dispute among themselves and there is no subsisting dispute between them. Therefore, this petition to quash Annexure A1 FIR, Annexure A2 final report and further proceedings in C.C.No.387 of 2020.
5. Learned counsel appearing for the 2nd respondent/defacto complainant has submitted that she has absolutely no grievance or complaints against the petitioners. Annexure A3, the affidavit sworn to by her, indicates that she has no intention to pursue the matter further.
6. The learned Public Prosecutor has reported that the prosecution has no serious

objection in allowing the petition.

7. As the dispute has been amicably settled, the possibility of conviction is remote and bleak.

8. Therefore, considering the special facts and circumstances involved in this case, I find that no fruitful purpose is likely to be served by proceeding with the matter against the petitioners. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioners. Therefore, for the purpose of securing the ends of justice, this CrI.M.C. is only to be allowed, invoking the jurisdiction under Section 482 of Cr.P.C.

For the foregoing reasons, Annexure A1 FIR and Annexure A2 final report and all further proceedings in C.C. No. 387 of 2020 on the file of the Judicial First Class Magistrate-I, Perithalmanna arising from Crime No.684 of 2020 of Perithalmanna Police Station, will stand quashed as prayed for.